

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROBERT JAY WARD,

Plaintiff,

v.

SCOTT WALKER, et al.,

Defendants.

ORDER

Case No. 18-cv-374-bbc

On May 24, 2018, I entered an order in this case directing plaintiff to submit an initial partial payment of the filing fee in the amount of \$29.82 by June 14, 2018. Now plaintiff has filed a letter, which I will construe as a motion for reconsideration of the assessed initial partial payment of \$29.82. Dkt. 9.

I will deny plaintiff's motion for reconsideration of the \$29.82 initial partial payment. 28 U.S.C. § 1915, mandates the calculation of fees prisoners must pay for filing federal lawsuits and appeals. According to this formula, a prisoner litigant must prepay 20% of the greater of the average monthly balance or the average monthly deposits made to his prison account in the six-month period immediately preceding the filing of the complaint.

In this case, 20% of the average monthly balance is \$0.14, and 20% of the average monthly deposits made to his account is \$29.82. Because the greater of the two amounts is 20% of the average monthly deposits, or \$29.82, that is the amount plaintiff is assessed as an initial partial payment of the filing fee.

However, I will give plaintiff an extension of time, until July 5, 2018, to submit the \$29.82 initial partial payment. If plaintiff is still unable to submit the \$29.82 initial partial payment by July 5, 2018, plaintiff should provide documentation to the court that shows the

steps he has taken to request funds to pay the initial partial payment from the institution's business office. Plaintiff should also provide the court with an up-to-date trust account statement that lists plaintiff's regular and release account balances, so that the court may re-assess plaintiff's financial situation.

ORDER

IT IS ORDERED that:

1. Plaintiff Robert Jay Ward's motion for reconsideration of the assessed \$29.82 initial partial payment in this case, dkt. 9, is DENIED.
2. Plaintiff may have an enlargement of time until July 5, 2018, in which to submit a check or money order payable to the clerk of court in the amount of \$29.82.
3. If by July 5, 2018, plaintiff fails to make the initial partial payment or show cause for failure to do so, plaintiff will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff filing this case at a later date.

Entered this 14th day of June, 2018.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge